

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

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SECURITIES AND EXCHANGE :
COMMISSION, :
Plaintiff, :
-against- : Civil Action No. 1:21-cv-00260-PB
LBRY, INC., :
Defendant. :
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**DECLARATION OF JOHN T. DIXON IN SUPPORT OF LBRY, INC'S
OBJECTION TO PLAINTIFF'S MOTION TO QUASH**

Pursuant to 28 U.S.C. § 1746, I, John T. Dixon, declare under penalty of perjury that the following is true and correct:

1. I am an attorney admitted to practice in the States of New York and Georgia. I am an attorney in the New York City office of Perkins Coie LLP and am admitted *pro hac vice* in this matter. I represent LBRY, Inc. ("LBRY") in this action. I make this Declaration upon personal knowledge and, if called upon to testify, could and would testify competently hereto.
2. Attached as **Exhibit A** is a true and correct copy of a speech delivered by former Director of the Securities and Exchange Commission's ("SEC") Division of Corporation Finance William Hinman at the Yahoo Finance All Markets Summit: Crypto on June 14, 2018, entitled "Digital Asset Transactions: When Howey Met Gary (Plastic)."
3. Attached as **Exhibit B** is a true and correct copy of a publicly available letter from former SEC Commissioner Jay Clayton to the Hon. Ted Budd dated March 7, 2019.

4. Attached as **Exhibit C** is a true and correct copy of a transcript of a July 15, 2021 hearing on the SEC's motion to quash a deposition subpoena to Mr. Hinman in *SEC v. Ripple Labs, Inc.*, No. 1:20-cv-10832 (S.D.N.Y.) ("Ripple").

5. Attached as **Exhibit D** is a true and correct copy of Ripple, Inc's deposition subpoena to Mr. Hinman, dated May 26, 2021, which was filed in *Ripple*.

6. Attached as **Exhibit E** is a true and correct copy of a letter filed in *Ripple* from counsel for Ripple and the individual defendants to the court, dated July 1, 2021.

7. Attached as **Exhibit F** is a true and correct copy of excerpts of the transcript of Mr. Hinman's deposition on July 27, 2021, which were filed in *Ripple*.

Dated: New York, New York.
November 19, 2021

Respectfully submitted,

/s/ John T. Dixon

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